

App. No. 10/727,299
Amendment Dated: June 19, 2006
Reply to Office Action of April 19, 2006

REMARKS/ARGUMENTS

In the Office Action mailed April 19, 2006, Claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mogilevsky (U.S. Patent 5,787,451) and further in view of Munro, J. "StarOffice 6.0 Lives UP to its Name," PCMAG.com, May 23, 2002 (hereinafter Munro). Claims 1, 3, 4, 8 and 15 have been amended. No new matter has been added. In view of the amendments and the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

Claim Rejections

The Office Action rejected Claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Mogilevsky in view of Munro. With regard to Claim 1, the Office Action argues that "Mogilevsky teaches a word processor program with a spell checker, but does not teach an XML document." The Office Action argues that "Munro, teaches spell checking of an XML document, specifically with the StarOffice6.0 software program." The Office Action also argues that "it would have been obvious to one of ordinary skill in the art to store spell checker markers within an XML document. The motivation for doing so would have been to spell check an XML document with the spell check markers within the word-processor document." The Office Action further argues that "it is inherent in a markup language document, specifically in an XML document, that tags are used to mark or designate items." The Applicants respectfully disagree.

While the Applicants acknowledge that tags are used to mark or designate items in an XML document, the Applicants respectfully disagree that it is inherent in a markup language document to place "at least one marker within the word-processor document indicating at least one error selected from a grammar error and a spelling error" that is stored within an XML file.

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The argument that a tag may be used to mark or designate an item does not teach or suggest which items to mark in an XML file, how to place a tag such that it conveys the required information, and the like. For example, referring to the Applicants' specification it can be seen from the example on page 7, line 14 to page 8 line 5 that a tag could be incorrectly placed such that the XML is not well formed.

While Mogilevsky discloses spell checking in a word processor document and maintaining spelling status data with the document; Mogilevsky does not disclose, teach or suggest how to store spelling status data within an XML document. Similarly, Munro discloses a word-processor program that uses an XML-based file format and includes spell checking but does not disclose, teach or suggest how to mark spelling errors or grammatical errors within the XML file. The combination of these two references do not teach or suggest the recitations found within the Applicants' claims. Storing data in an XML document is different from storing data in a non-XML document. In order to further the prosecution of this matter, however, the Applicants have amended the independent claims to more clearly define the invention.

As amended, Claim 1 recites in part "wherein the marker is a single tag that does not overlap the error and does not overlap other elements within the word-processor document." As tags typically overlap the elements they relate too; this recitation is clearly not obvious in view of the cited references. Additionally, the references, alone or in combination, do not teach or suggest how and where to place tags within an XML file. Independent Claim 8 has been amended to recite in part "wherein the first marker is a single tag that does not overlap the error and does not overlap other elements within the word-processor document; and . . . wherein the

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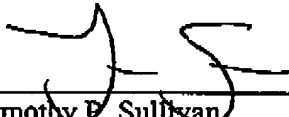
second marker is a single tag that does not overlap the error and does not overlap other elements within the word-processor document." Independent Claim 15 has been similarly amended. It is submitted that independent Claims 8 and 15 are allowable for at least the same reasons as Claim 1.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.



Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

